

Message Text

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43

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FM AMEMBASSY LISBON

TO SECSTATE WASHDC 481

INFO AMCONSUL LOURENCO MARQUES

AMCONSUL LUANDA

AMCONSUL OPORTO

AMCONSUL PONTA DELGADA

UNCLAS LISBON 3889

E.O. 11652: N/A

TAGS: PINT, PO

SUBJ: DECREE LAW GUARANTEES FREEDOM OF ASSEMBLY

SUMMARY: NEW DECREE LAW PUBLISHED GUARANTEEING PRINCIPLE OF FREEDOM OF ASSEMBLY AND ESTABLISHING PROCEDURES TO BE FOLLOWED BY THOSE WHO WOULD HOLD PUBLIC, NON-RELIGIOUS MEETINGS, ETC. END SUMMARY.

1. DECREE LAW 406/74 OF AUGUST 27 ESTABLISHES PRINCIPLE THAT ALL PORTUGUESE FREE TO ASSEMBLE PEACEFULLY AND WITHIN THE LAW ANYWHERE WITHOUT PREVIOUS AUTHORIZATION FROM GOVERNMENT. ONLY LIMITATION TO GENERAL PRINCIPLE IS THAT MEETINGS WHICH OFFEND "HONOR AND DUE CONSIDERATION TO ORGANS OF SOVEREIGNTY AND ARMED FORCES" ARE PROHIBITED (ALTHOUGH FREEDOM TO CRITICIZE AS SUCH IS NOT IMPINGED).

2. LAW LAYS DOWN CERTAIN PROCEDURES WHICH MUST BE FOLLOWED BY THOSE WHO WOULD HOLD PUBLIC RALLIES, MEETINGS, ETC. LOCAL AUTHORITIES (CIVIL GOVERNOR OR MAYOR) MUST BE GIVEN TWO WORKING DAYS ADVANCE NOTICE OF MEETING IN WRITING, AND AT LEAST THREE LEADERS MUST IDENTIFY THEM-
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SELVES AND PROVIDE CERTAIN INFORMATION ABOUT MEETING.

3. ONLY PUBLIC ASSEMBLIES WHICH RESULT IN ILLEGAL OR IMMORAL ACTS "GRAVELY AND EFFECTIVELY" DISTURBING THE PEACE AND PUBLIC TRANQUILITY CAN BE BROKEN UP BY THE AUTHORITIES. IF INTERRUPTED, CERTAIN LEGAL STEPS DESIGNED TO GUARD AGAINST ARBITRARINESS ON THE PART OF POLICE MUST BE FOLLOWED, SUCH AS HANDING DEMONSTRATORS WRITTEN ACCOUNT OF REASONS FOR WHICH PROHIBITION AUTHORIZED.

4. IN ORDER TO PREVENT INTERFERENCE OF PUBLIC PARADES, MEETINGS, ETC, BY COUNTER-DEMONSTRATORS, POLICE MAY STATION MEN IN ASSEMBLY LOCALE. HOWEVER, POLICE NOT ALLOWED TO ATTEND MEETINGS BEHIND CLOSED DOORS WITHOUT PERMISSION OF PROMOTERS, WHO MUST MAINTAIN ORDER IF POLICE NOT INVITED TO BE PRESENT.

5. LOCAL AUTHORITIES MUST RESERVE AND DELINEATE CERTAIN PUBLIC SPACES FOR HOLDING MEETINGS. OUTDOOR MEETINGS MAY NOT BE PROLONGED PAST 0030, BUT INDOOR MEETINGS MAY BE PROLONGED LATER UNDER CERTAIN CONDITIONS. MARCHES AND PARADES ONLY ALLOWED AFTER 1930 WEEKDAYS, AND AFTER 1200 WEEKENDS AND HOLIDAYS.

6. "ABUSIVE" OCCUPATION OF BUILDINGS IN ORDER TO HOLD MEETINGS, ETC, PROHIBITED, AS IS THE HOLDING OF PUBLIC DEMONSTRATIONS WITHIN 100 METERS OF EMBASSIES, HEAD-QUARTERS OF POLITICAL PARTIES, MILITARY BASES AND GOVERNMENT BUILDINGS.

7. RELIGIOUS GATHERINGS BEHIND CLOSED DOORS ARE EXEMPT FROM RESTRICTIONS OF THIS LAW, AND PROMOTERS OF PRIVATE, CLOSED-DOOR MEETINGS TO WHICH PERSONS INVITED BY NAME NEED NOT GIVE ADVANCE NOTICE TO LOCAL AUTHORITIES, NOT REVEAL DETAILS OR PURPOSE OF SUCH GATHERINGS TO AUTHORITIES.

8. COMMENT: LAW REMOVES PREVIOUS SEVERE RESTRICTIONS ON RIGHT OF PEOPLE TO ASSEMBLE, AND HAS BEEN FAVORABLY RECEIVED BY ALL POLITICAL PARTIES. THE CABINET IS NOW CONSIDERING OTHER LAWS IN CIVIL LIBERTIES CATEGORY
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(PRESS, VOTING, ETC) WHICH ARE CERTAIN TO PROVOKE CONTROVERSY.
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